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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,255	11/20/2001	Ming-Hung Lin	CA0473	9593
3624 7590 12/15/2009 VOLPE AND KOENIG, P.C. UNITED PLAZA, SUITE 1600 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103			EXAMINER AJTBADE AKONAI, OLUMIDE	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 12/15/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/989,255

Applicant(s)

LIN, MING-HUNG

Examiner

OLUMIDE T. AJIBADE AKONAI

Art Unit

2617

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 12-16 and 19-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7, 15 and 19 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 14, 16, 20 and 21 is/are rejected.
- 7) ☒ Claim(s) 3-6, 12, 13 and 22-25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION
Response to Arguments

1. Applicant's arguments, see page 10-14 of the remarks, filed September 4, 2009, with respect to claims 1 and 20 under 35 U.S.C. § 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly discovered prior art reference.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
3. Claims 1, 2 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Makishima 6,906,818** in view of **Dervarics 6,553,240**.

Regarding **claim 1** Makishima discloses a mobile device (mobile telephone 20, see fig. 1, col. 3, lines 51-52), comprising: a primary communication unit (antenna 21,

see fig. 3, col. 4, lines 22-24) configured to establish a primary communication session with a content server (see figs. 1 and 3, col. 4, lines 22-24); and an auxiliary communication unit configured to establish an auxiliary communication with an auxiliary rendering device (mobile phone 20 wirelessly communicating directly with digital still camera 1, see fig. 1, col. 3, lines 51-58, col. 6, lines 14-24), the auxiliary communication session including content of the primary communication session that is adapted to the capabilities of the auxiliary rendering device (mobile telephone receives a packet containing a image, the image in a specific image file type, and transmits the image to the digital still camera in the same image file type, see figs. 1 and 6, col. 3, lines 51-58, col. 6, lines 66-67, col. 7, lines 1-15), wherein the auxiliary communication unit is configured to receive an assistance message from the auxiliary rendering device, the assistance message comprising information on the rendering capabilities of the auxiliary rendering device (the mobile telephone receives a message from the digital still camera that indicates it can display the image with image file represented in the image to be transmitted from the mobile telephone to the camera, see figs. 1 and 6, col. 6, lines 66-67, col. 7, lines 1-25).

Makishima does not specifically disclose establishing a primary communication session via a transcoding proxy with a content server.

In the same field of endeavor, Dervarics discloses a mobile device (mobile phone 100, see fig. 2, col. 4, line 50), comprising: a primary communication unit (201, see fig. 2, col. 5, lines 10-13) configured to establish a primary communication session via a transcoding proxy (WAP gateway, see col. 3, lines 51-54) with a content server

(communication between web server and WAP device 100 via WAP gateway, see fig. 1, col. 3, lines 51-62).

It would therefore have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Makishima into the system of Makishima by transmitting data from a server to a mobile station via a transcoding proxy for the benefit of having the mobile station receive the data from the server in a format that is properly suited for the mobile station.

Regarding **claim 2** as applied to claim 1, Makishima as modified by Dervarics discloses the claimed limitation. Makishima further discloses a rendering unit configured to render content received in the primary communication session (the text data received by the mobile telephone 20 is displayed on the screen, indicating that the mobile telephone as a rendering unit to display message received, see fig. 3, col. 6, lines 14-20); and a rendering control unit configured to examine the content and redirecting the content to the rendering unit and the auxiliary communication unit in dependence on the examination (controller 45 of the mobile telephone analyzes the message header of a message comprising text and image files, and decides to send the image file to the digital still camera base on determining the image file determined by the controller, see fig. 6, col. 6, lines 52-67, col. 7, lines 1-4), wherein the auxiliary communication unit is arranged for transmitting the content via the auxiliary communication session for rendering by the auxiliary rendering device (mobile telephone receives a packet containing a image, the image in a specific image file type, and transmits the image to

the digital still camera in the same image file type, and the image is displayed on the camera see figs. 1 and 6, col. 3, lines 51-58, col. 6, lines 66-67, col. 7, lines 1-33).

Regarding **claim 16** as applied to claim 1, Makishima as modified by Dervarics discloses the claimed limitation. Makishima further discloses wherein the content includes audio content and video content (see col. 8, lines 24-30).

4. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Makishima 6,906,818** in view of **Dervarics 6,553,240** as applied to claim 1 above, and further in view of **Novakov 6,571,103**.

Regarding **claim 14** as applied to claim 1, Makishima as modified by Dervarics disclose the claimed limitation except a timer for timing a time period during which at least one of a plurality of auxiliary rendering devices must respond to the assistance message to avoid an indication that none of the plurality of auxiliary rendering devices are currently available. Novakov however discloses a timer for timing a time period during which at least one of a plurality of auxiliary rendering devices must respond to the assistance message to avoid an indication that none of the plurality of auxiliary rendering devices are currently available (transmitting messages at predetermined intervals to determine if any other devices are within range of an inquiring device, see fig. 2, col. 4, lines 58-67, col. 5, lines 1-11).

It would therefore have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Novakov, by sending a page message from a device to other devices in personal area network, into the system of

Makishima as modified by Dervarics, for the benefit of discovering an auxiliary rendering device.

5. Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Makishima 6,906,818** in view of **Dervarics 6,553,240** and **Wang 6,484,040**.

Regarding **claim 20** Makishima discloses a mobile device (mobile telephone 20, see fig. 1, col. 3, lines 51-52), comprising: a primary communication unit (antenna 21, see fig. 3, col. 4, lines 22-24) configured to establish a primary communication session with a content server (see figs. 1 and 3, col. 4, lines 22-24); and an auxiliary communication unit configured to establish an auxiliary communication session with an auxiliary rendering device (mobile phone 20 wirelessly communicating directly with digital still camera 1, see fig. 1, col. 3, lines 51-58, col. 6, lines 14-24), the auxiliary communication session including content of the primary communication session that is adapted to the capabilities of the auxiliary rendering device (mobile telephone receives a packet containing a image, the image in a specific image file type, and transmits the image to the digital still camera in the same image file type, see figs. 1 and 6, col. 3, lines 51-58, col. 6, lines 66-67, col. 7, lines 1-15), wherein the auxiliary communication unit is configured to receive an assistance message from the auxiliary rendering device, the assistance message comprising information on the rendering capabilities of the auxiliary rendering device (the mobile telephone receives a message from the digital still camera that indicates it can display the image with image file represented in the image to be transmitted from the mobile telephone to the camera, see figs. 1 and 6, col. 6, lines 66-67, col. 7, lines 1-25), wherein content of the primary communication session is

adapted to the capabilities of the auxiliary rendering device (mobile telephone receives a packet containing a image, the image in a specific image file type, and transmits the image to the digital still camera in the same image file type, see figs. 1 and 6, col. 3, lines 51-58, col. 6, lines 66-67, col. 7, lines 1-15).

Makishima does not specifically disclose establishing a primary communication session via a transcoding proxy with a content server.

In the same field of endeavor, Dervarics discloses a mobile device (mobile phone 100, see fig. 2, col. 4, line 50), comprising: a primary communication unit (201, see fig. 2, col. 5, lines 10-13) configured to establish a primary communication session via a transcoding proxy (WAP gateway, see col. 3, lines 51-54) with a content server (communication between web server and WAP device 100 via WAP gateway, see fig. 1, col. 3, lines 51-62).

It would therefore have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Makishima into the system of Makishima by transmitting data from a server to a mobile station via a transcoding proxy for the benefit of having the mobile station receive the data from the server in a format that is properly suited for the mobile station.

Makishima as modified by Dervarics does not specifically disclose that the rendering capability of the auxiliary rendering device is greater than that of the mobile device.

Wang however, discloses a mobile device (mobile telephone 2, see fig. 1, col. 2, lines 19-23) communicating wirelessly with an auxiliary rendering device (hi-fi car

set, see fig. 1, col. 2, lines 18-38 and lines 64-67, col. 3, lines 1-3), wherein rendering capability of the auxiliary rendering device is greater than that of the mobile device (the hi-fi car set has a larger sound signal output than mobile telephone 2, see fig. 1, col. 2 lines 36-48 and lines 64-67, col. 3, lines 1-3).

It would therefore have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Wang, by wireless transmitting signals from a mobile device to a hi-fi auxiliary device, into the system of Makishima as modified by Dervarics for the benefit broadcasting the signal from the mobile phone in an area.

Regarding **claim 21** as applied to claim 20, Makishima as modified by Dervarics discloses the claimed limitation. Makishima further discloses a rendering unit configured to render content received in the primary communication session (the text data received by the mobile telephone 20 is displayed on the screen, indicating that the mobile telephone as a rendering unit to display message received, see fig. 3, col. 6, lines 14-20); and a rendering control unit configured to examine the content and redirecting the content to the rendering unit and the auxiliary communication unit in dependence on the examination (controller 45 of the mobile telephone analyzes the message header of a message comprising text and image files, and decides to send the image file to the digital still camera base on determining the image file determined by the controller, see fig. 6, col. 6, lines 52-67, col. 7, lines 1-4), wherein the auxiliary communication unit is arranged for transmitting the content via the auxiliary communication session for rendering by the auxiliary rendering device (mobile telephone receives a packet

containing a image, the image in a specific image file type, and transmits the image to the digital still camera in the same image file type, and the image is displayed on the camera see figs. 1 and 6, col. 3, lines 51-58, col. 6, lines 66-67, col. 7, lines 1-33).

Allowable Subject Matter

6. Claims 3-6, 12, 13, and 22-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 7, 15 and 19 are allowed.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kandler 7,116,939 discloses wireless provision of audio content.

Frank 5,742,893 discloses music-playing system for a motor vehicle.

Nieminen et al 7,072,945 discloses network and method for controlling appliances.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLUMIDE T. AJIBADE AKONAI whose telephone number is (571)272-6496. The examiner can normally be reached on M-F, 8.30p-5p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OA

/Charles N. Appiah/
Supervisory Patent Examiner, Art Unit 2617